

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TAWANDA HALL, CAROLYN MILLER,
AMERICAN INTERNET GROUP, LLC,
ANTHONY AKANDE, CURTIS LEE and
CORETHA LEE, MARCUS BYERS and
KRISTINA GOVAN, individually and all
those similarly situated in the City of Southfield,

Plaintiffs,

v.

Case No. 20-cv-12230-PDB-EAS
Hon. Paul D. Borman

OAKLAND COUNTY, et al.,

Defendants.

OAKLAND COUNTY DEFENDANTS' RESPONSE RE:
SUPPLEMENTAL AUTHORITY MOTION

The motion should be denied or, to the extent the Court considers the *Taylor* v. *Oakland County* order denying the motion to stay, it should not give it any weight because the facts in this case are different and the *Taylor* order is not persuasive.

For starters, this case was filed as a putative class action and *Taylor* was not. *Taylor* involves the claims of a single plaintiff. The extensive briefing and work imposed on the Court and the parties that the class certification issue will

require is justification enough to stay this case for a few months until the United States Supreme Court issues its decision in *Tyler v. Hennepin County*. Again, that decision is likely to be issued on or before June 30, 2023.

In addition, litigating alleged damages in this case will disrupt third parties, an issue of nonconcern in *Taylor*. Mr. Taylor's property is still owned by SNRI. In this case, most of the former properties of plaintiffs and the putative class members have been sold. Determining what a given property would have sold for when the foreclosure became final years ago will disrupt the new property owners because inspections will be necessary to identify the improvements and their value.

Finally, Judge Lawson's order is flawed because it is premised on the reasoning that no petition for *certiorari* has been filed yet in this case. The petition is not due until early April 2023. The petition will be filed shortly and the Supreme Court will very likely hold it pending its decision in *Tyler* (like it has done in *Continental Resources v. Fair*).

The motion should be denied or the Court should give no weight to the *Taylor* order. The Court should grant the motion to stay in this case.

Date: February 20, 2023

GIARMARCO, MULLINS & HORTON, P.C.

By: /s/ William H. Horton
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CERTIFICATE OF SERVICE

On February 20, 2023, I certify that I electronically filed this document with the Clerk of the Court through the ECF System, which will send notice of such electronic filing to all counsel of record registered electronically.

/s/ William H. Horton
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